

Exhibit A

Vose, Charles

From: Catherine Duoat [cat@theaccidentallawyer.com]
Sent: Wednesday, January 09, 2008 2:00 PM
To: Vose, Charles
Subject: Re: Second Amended Complaint

I think it would be easier if you stipulate to allow us to file a third amended complaint so we can delete the Ninth Cause of Action as opposed to a formal dismissal of that claim.

Thanks,

Catherine

----- Original Message -----

From: Vose, Charles
To: Catherine Duoat
Cc: James Higa
Sent: Wednesday, January 09, 2008 11:34 AM
Subject: Second Amended Complaint

Catherine - Upon reviewing your Second Amended Complaint, it appears you have improperly added a new Cause of Action as the Ninth Cause of Action for "42 U.S.C. sec. 1983 Negligent Selection, Training, Retention, Supervision, Investigation, and Discipline". Under F.R.C.P. 15(a), once a responsive pleading has been filed, you must have a stipulation of the parties or seek leave of the court to amend a pleading. Defendants' answer filed on or about September 17, 2007 is that responsive pleading.

While you had the right to amend the complaint to add Sgt. Ortega in place of one of the Doe defendants, that did not include the right to add a new cause of action.

As a response to the Second Amended Complaint is due shortly, please let me know whether you intend to dismiss this new cause of action. Otherwise the city will be forced to file a Motion to Strike under Rule 12.

Charles Vose

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[v1.01]

6/26/2008